UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
No.: 10cv 7551 (RJS)
SHIRLEY SHEPARD and ANDREA SHEPARD,

Plaintiffs,

-against

THE ASSOCIATED PRESS, ESPN, INC., KURTIS PRODUCTIONS, LTD., PICTOPIA.COM, INC., PHILLY ONLINE, INC. and PHOTOBUCKET. COM, INC.

Defendants. -----X

PLEASE TAKE NOTICE, that upon the annexed affirmation of CHARLES C.

DESTEFANO, ESQ., dated the 1st day of December, 2010 and upon all the pleadings and proceedings heretofore had herein, a motion will be made before this Court, the Honorable Richard J. Sullivan, United States District Court for the Southern District of New York, held at the Courthouse located at 500 Pearl Street, New York, New York pursuant to the Order of Judge Sullivan dated November 19, 2010, granting the undersigned leave to file a motion pursuant to Local Rule 1.4 to withdraw as counsel for the plaintiffs; together with and for such other and further relief the Court deems just and proper.

Dated: Staten Island, New York

LAW OFFICE OF CHARLES C. DESTEFANO

Charles C. DeStefano(CD 0150)

Attorney for Plaintiffs 1082 Victory Boulevard Staten Island, New York 10301 TO:Andrew L. Deutsch, Esq. DLA Piper Attorneys for Defendants Associated Press and ESPN

> Michael Kuritzkes, Esq. Philadelphia Media Network Interim General Counsel Attorney for Defendant Philly Online

Mark Lerner, Esq. Satterlee Stephens Burke & Burke, LLP Attorney for Defendant Photobucket

Hillary Lane, Esq. Vice President Litigation NBC Universal Inc. Attorneys for Defendant Kurtis Production, Ltd.

Jack Russo, Esq. Computerlaw Group, LLP Attorneys for Defendant Pictopia

UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
X	No.: 10cv 7551 (RJS)
SHIRLEY SHEPARD and ANDREA SHEPARD,	
	<u>AFFIRMATION</u>

Plaintiffs,

-against

THE ASSOCIATED PRESS, ESPN, INC., KURTIS PRODUCTIONS, LTD., PICTOPIA.COM, INC., PHILLY ONLINE, INC. and PHOTOBUCKET. COM, INC.

Defendants.
 X

CHARLES C. DESTEFANO, an attorney duly licensed to practice law before the Courts of the State of New York, hereby duly affirms to the following under the penalties of perjury:

- 1. I am the attorney for the above-captioned plaintiffs and make this affirmation in support of the instant motion to withdraw as counsel for the plaintiffs SHIRLEY SHEPARD and ANDREA SHEPARD.
- 2. Your affirmant was contacted by plaintiffs SHIRLEY SHEPARD and ANDREA SHEPARD to represent them in their attempt to collect monies owed to them by the defendants herein for the use and reproduction of their artwork.
- 3. Your affirmant explained to the plaintiffs SHIRLEY SHEPARD and ANDREA SHEPARD that his practice is primarily in the area of personal injury. However, plaintiffs insisted they wanted your affirmant to represent them.
- 4. A formal retainer was never signed. However, due to the friendly relationship between the undersigned and the plaintiffs, a complaint was prepared and filed with this

court on behalf of the plaintiffs SHIRLEY SHEPARD and ANDREA SHEPARD.

5. After further discussion, your affirmant advised the plaintiffs that it was in

their best interest to retain an attorney who specializes in copyright infringement.

6. By letter dated November 15, 2010, the plaintiffs SHIRLEY SHEPARD and

ANDREA SHEPARD advised this court that they were seeking to retain other counsel to

represent them. (See Exhibit "A" annexed hereto.)

7. In an email dated November 16, 2010, the plaintiffs SHIRLEY SHEPARD and

ANDREA SHEPARD advised your affirmant that he was not longer their attorney on the

case. (See Exhibit "B" annexed hereto)

8. This case is in its earliest stage, in that, to date, none of the defendants have

appeared or answered the complaint. None of the parties will be prejudiced by a

substitution of attorneys at this time.

9. Pursuant to Local Civil Rule 1.4, an attorney of record who has appeared for a

party may be relieved by Order of the Court upon an affidavit stating the reasons for

withdrawal.

WHEREFORE, it is respectfully requested that the instant motion be granted and and an Order be issued relieving CHARLES C. DESTEFANO as the attorney of record

for the plaintiffs in this action, together with such other and further relief the court deems

just and proper.

Dated: Staten Island, New York

CHARLES C. DeSTEFANO, ESQ.(CD1050)